



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,148	04/01/2005	Ernst Faber	FABER, S-10 PCT	2875
25889	7590	03/23/2006	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

4A

Office Action Summary	Application No. 10/530,148	Applicant(s) FABER, ERNST	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-29 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 10 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20050401, 0509, 0919</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-9, 11-13, 15-16, 18, 21-24, 26-29, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,442,209 to Funahashi.

With respect to claim 1, Funahashi teaches a hand stamp with a stamp plate carrier, 5, and a stamp plate, 3, as well as with engaging parts on the stamp plate carrier and on the stamp plate for a releasable interconnection thereof, wherein the engaging parts are formed by multiple groove/web structures. See column 2, lines 24-42.

With respect to claim 21, Funahashi teaches a stamp plate for a hand stamp with engaging parts for a releasable interconnection with a stamp plate carrier of the hand stamp, wherein the engaging parts are formed by a multiple groove/web structure See column 2, lines 24-42.

With respect to claims 2-4 and 22-24, Funahashi teaches the groove/web structures have square and rectangular cross-sections, wherein the grooves and the webs have cross-sections engaging one behind the other. See the Figures.

With respect to claims 6-9 and 26-29, Funahashi teaches that the groove/web structures are arranged on the entire surface of the carrier or of the stamp plate

Art Unit: 2854

respectively and they have grooves parallel to each other and webs correspondingly parallel to each other, wherein the grooves and webs are equally high and wide. See the Figures.

With respect to claims 11-12, Funahashi teaches that the carrier is made of a dimensionally stable plastic material. See column 2, lines 36-37.

With respect to claims 13, 16 and 31, Funahashi teaches that the stamp plate is made of an elastic material. See column 2, lines 25-29.

With respect to claim 15 and 33, Funahashi teaches receiving means for letters, or stamp character, respectively, formed on the side of the stamp plate that faces away from the groove/web structures. See column 2, lines 25-31.

With respect to claim 18, Funahashi teaches that several letters/stamp characters (9) are interconnected. See column 2, lines 25-31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 2,899,895 to Tannery.

Art Unit: 2854

Funahashi teaches all that is claimed, as in the above rejection of claims 1-4, 6-9, 11-13, 15-16, 18, 21-24, 26-29, 31 and 33 except that the grooves and webs have trapezoidal cross-sections.

Tannery teaches a hand stamp having a groove/web structure in which the grooves and webs have trapezoidal cross-sections. See Fig. 10.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Funahashi to have the trapezoidal cross-sections taught by Tannery in order to better retain the engagable sections of the stamp plates.

5. Claims 14, 17, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 5,809,886 to Faber.

With respect to claims 14, 17 and 32, Funahashi teaches all that is claimed, as in the above rejection of claims 1-4, 6-9, 11-13, 15-16, 18, 21-24, 26-29, 31 and 33 except that the stamp plate is made of caoutchouc.

Faber teaches a stamp plate made of caoutchouc. See column 2, lines 44-52.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Funahashi to have the stamp plate made of caoutchouc, as taught by Faber, in order to use a soft, elastic material which will be readily retained in the stamp plate carrier.

With respect to claim 20, Funahashi teaches all that is claimed, as in the above rejection of claims 1-4, 6-9, 11-13, 15-16, 18, 21-24, 26-29, 31 and 33 except that the stamp is designed as a self-inking stamp with a turning mechanism.

Faber teaches a self-inking stamp with a turning mechanism. See column 5, lines 21-40.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Funahashi to be designed as a self-inking stamp with a turning mechanism, as taught by Faber, in order to be able to readily use the stamp without the need for an external inking device.

6. Claims 19 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 6,360,658 to Benson.

Funahashi teaches all that is claimed, as in the above rejection of claims 1-4, 6-9, 11-13, 15-16, 18, 21-24, 26-29, 31 and 33 except that the receiving means have rounded undercuts.

Benson teaches a hand stamp having stamp plate receiving means with rounded undercuts. See Fig 2.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Funahashi to have the rounded undercuts of Benson in order to accommodate stamp plates having shapes more appropriate to these receiving means.

Allowable Subject Matter

7. Claims 10 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 10 and 30, the prior art does not teach or render obvious a hand stamp as claimed, particularly including transverse grooves traversing the grooves and corresponding transverse webs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 752,771 to Hardy, U.S. Patent No. 2,646,748 to Brown, Jr., U.S. Patent No. 5,048,415 to Shih, and U.S. Patent No. 5,709,145 to Shih each teach an apparatus having apparent similarities to the claimed subject matter.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone

Art Unit: 2854

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec



ANDREW H. HIRSHFELD
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER